

REMARKS

Claims 1 - 16 were pending in this application.

Claims 1 – 16 were rejected.

Claims 1, 7 and 13 are amended.

Claims 4, 8 and 11 are cancelled.

New Claims 17, 18 and 19 have been added to the application.

I. Applicant's Note

The Examiner's rejections cited prior art patents by inventor's name without referencing the patent number either in the wording of the action or in a 1449 Form. The applicant therefore had great difficulty in finding the cited references. The Applicant respectfully requests that any further actions include the patent numbers of any cited prior art references.

I. 35 USC 102 Rejections

The Examiner has rejected Claims 1-4, 6, 7 and 9-16 under 35 USC 102(b) as being anticipated by Pedone (Assumed to be U.S. Patent No. 6,494,247).

The rejected claims contain three independent claims, which are Claim 1, Claim 7 and Claim 13. Claims 1, 7 and 13 have been amended and are believed to be fully distinguishable over the cited prior art combination for the reasons presented below.

Claim 1

Claim 1 sets forth a striking board holding device for holding striking boards during the practicing of a martial art. The device has a framework that contains a plurality of vertical rails. Adjacent pairs of vertical rails define sides of at least two striking planes.

Connectors are disposed along each of the vertical rails for selectively joining striking boards to the vertical rails. A slack fabric barrier is suspended between each of the adjacent pairs of vertical rails. The fabric barrier creates a catch partition that corrals falling pieces of a striking

board once it is broken by a martial arts blow.

The Pedone patent discloses a modular partition system for displaying trade show exhibits. The Pedone patent utilizes interlocking frames that can hold partition panels at different orientations.

The Pedone patent makes no disclosure of a device that holds striking boards. Accordingly, the Pedone patent does not make any disclosure of the use of a fabric barrier that would corral broken pieces of a striking board.

More specifically, as applied to the wording of Claim 1, the Pedone patent fails to disclose

“ A striking board holding device for holding a striking board while practicing a martial art”

The Podone reference also fails to disclose

“ a slack fabric barrier suspended between each of said adjacent pairs of said plurality of vertical rails, wherein said fabric barrier creates a catch partition that corrals falling pieces of a striking board once broken”

Since the Podone patent fails to anticipate the matter set forth in Claim 1, it is respectfully requested that the Examiner withdraw the 35 USC 102 rejections as applied to Claim 1 and its dependent claims.

Claim 7

Claim 7 sets forth a system for practicing martial arts. A plurality of striking targets are provided. Each of the striking targets is capable of separating into separate pieces when impacted

with a sufficient martial arts blow. To hold the striking targets, at least one set of parallel vertical rails is provided. The set of vertical rails define at least one striking plane.

A slack fabric barrier is suspended between each set of parallel rails. The fabric barrier corrals the separate pieces of the striking targets after being impacted and broken. The striking targets are initially held in place by connectors that are disposed along the vertical rails.

The Pedone patent discloses a modular partition system for displaying trade show exhibits. The Pedone patent utilizes interlocking frames that can hold partition panels at different orientations.

The Pedone patent makes no disclosure of a system for holding striking boards. Accordingly, the Pedone patent does not make any disclosure of the use of a fabric barrier that would corral broken pieces of a striking board.

More specifically, as applied to the wording of Claim 7, the Pedone patent fails to disclose

“ a slack fabric barrier suspended between each said set of parallel rails for corralling said separate pieces of said striking targets after being impacted;”

Since the Podone patent fails to anticipate the matter set forth in Claim 7, it is respectfully requested that the Examiner withdraw the 35 USC 102 rejections as applied to Claim 1 and its dependent claims.

Claim 13

Claim 13 sets forth a method of mounting striking targets for practicing martial arts. In accordance with that method, a plurality of vertical rails are provided. The vertical rails define the sides of at least two non-parallel striking planes.

A fabric barrier is suspended between vertical rails across each of the striking planes.

Striking targets are suspended across at least one of the striking planes in front of the fabric barrier, wherein the fabric barrier corrals pieces of said striking targets as they are broken.

As has previously been stated, the Pedone patent makes no disclosure of a system for holding striking boards. Accordingly, the Pedone patent does not make any disclosure of the use of a fabric barrier that would corral broken pieces of a striking board.

More specifically, as applied to the wording of Claim 13, the Pedone patent fails to disclose

“suspending a fabric barrier between vertical rails across each of said striking planes;”

The Pedone patent also fails to disclose

“selectively suspending at least some of said striking targets across at least one of said striking planes between said sides in front of said fabric barrier, wherein said fabric barrier corrals pieces of said striking targets as they are broken.”

Since the Podone patent fails to anticipate the matter set forth in Claim 7, it is respectfully requested that the Examiner withdraw the 35 USC 102 rejections as applied to Claim 1 and its dependent claims.

III. 35 USC 103 Rejections

Claims 5 was rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 4,973,045 to Heberer.

Claim 5 is a dependent claims that depends from Claim 1. It is assumed that the examiner intended to reject Claim 5 under 35 USC 103(b) as being unpatentable over Podone in further view of Heberer.

Claim 5 depends from Claim 1. The matter of Claim 1 is distinguishable over the Podone patent for the reasons previously presented.

The Heberer patent is cited to show connector structures for holding striking boards. However, the Heberer patent makes no disclosure of any fabric barrier for containing broken striking boards.

It will therefore be understood that the Heberer patent does not address the deficiencies of the Podone patent as applied to the wording of Claim 1. More specifically, as applied to the wording of Claim 1, the combination of the Podone and Heberer patents fail to disclose

“ a slack fabric barrier suspended between each of said adjacent pairs of said plurality of vertical rails, wherein said fabric barrier creates a catch partition that corrals falling pieces of a striking board once broken”

Since the Podone and Heberer patents fail to disclose or suggest the matter set forth in Claim 11 or dependant Claims 18 & 19, it is respectfully requested that the Examiner withdraw the 35 USC 103 rejections.

IV. NEW CLAIMS

New Claims 17-19 have been added to this application. Each of these claims sets forth a catch plate that is located at the bottom of the vertical rails. The catch plate helps catch and retain pieces of a broken striking plate that fall straight down.

None of the prior art reference cited by the examiner disclose such a feature.

Since the matter contained in Claims 17-19 are not disclosed by the cited prior art, it is believed that the matter of Claims 17-19 are distinguishable over the cited prior art. Claims 17-19 are therefore believed to stand in condition for allowance.

V. SUMMARY

Having distinguished the pending patents from all cited references, the Applicant believes that the current application stands in condition for allowance. If the Examiner disagrees, the Examiner is welcome to call the applicant's attorney so that matters can be discussed and settled without the need of another formal action.

The applicant would like to thank the Examiner for his/her attention to this matter.

VI. FEES

If for any reason fees are due for this application, the USPTO is authorized to charge deposit account No. 50-1954.

Sincerely;
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